

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

CRAIG BRUCE,

Case No. 6:12-cv-01634-AA

Plaintiff,

ORDER

v.

HARTFORD INSURANCE,

Defendant.

Aiken, Chief Judge:

Plaintiff filed suit after defendant terminated his long-term disability payments and sought repayment. On February 28, 2013, defendant filed a Statement Noting Party's Death, indicating that the named plaintiff in this action died on October 4, 2012, after suit was filed. Doc. 9. Defendant also apparently made efforts to identify a personal representative of plaintiff's estate. Defendant now seeks to dismiss this action.

Under Fed. R. Civ. P. 25(a)(1), if a motion seeking substitution of a deceased party is not made within ninety days after a statement noting the party's death, the action must be dismissed. Here, no party has sought substitution or responded to defendant's motion, and defendant has been unable to identify a personal representative or successor. Patton Decl.; Barker Decl. Therefore, dismissal is warranted.

Accordingly, defendant's Motion to Dismiss (doc. 12) is GRANTED, and this action is DISMISSED.

IT IS SO ORDERED.

Dated this 16th day of August, 2013.

A handwritten signature in cursive script, appearing to read "Ann Aiken", written over a horizontal line.

Ann Aiken
United States District Judge